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9 *Attorneys for Defendant Michael Merrell*

FILED
DISTRICT COURT OF GUAM
JAN 23 2007
MARY L.M. MORAN
CLERK OF COURT

6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE TERRITORY OF GUAM**

9 UNITED STATES OF AMERICA,

Criminal Case No.06-00052

10 Plaintiff,

**MOTION FOR LEAVE TO FILE
FACSIMILE WAIVER OF APPEARANCE
AND SPEEDY TRIAL**

11 vs.

12 MICHAEL MERRELL,

13 Defendant.

14
15
16 Pursuant to G.R. 5.1(a) of the Local Rules of Practice for the District Court of Guam,
17 Defendant Michael Merrell respectfully moves the Court for leave to file herein a facsimile copy
18 of the Waiver of Appearance and Speedy Trial, which is attached hereto. The defendant is
19 presently in Oklahoma and has executed and had notarized the waiver in that state. The signed
20 original is being sent to defense counsel via mail and will be filed with this Court immediately
21 upon receipt.

22
23 **RESPECTFULLY SUBMITTED** this 23rd day of January, 2007.

24
25 **LUJAN AGUIGUI & PEREZ LLP**

26 By:

27 
28 **DELIA LUJAN, ESQ.**
Attorneys for Defendant Michael Merrell

ORIGINAL

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10 **IN THE UNITED STATES DISTRICT COURT**
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12 **FOR THE TERRITORY OF GUAM**

13 **UNITED STATES OF AMERICA.**

14 **Criminal Case No.06-00052**

15 Plaintiff,

16 **WAIVER OF APPEARANCE AND SPEEDY**
17 **TRIAL**

18 vs.

19 **MICHAEL MERRELL,**

20 **Defendant.**

21 Upon being fully advised by my counsel of my right to be present at the plea hearing, trial,
22 sentencing, and any further court hearings in this matter, I, Michael Merrell, being the Defendant
23 in the above-styled action, do hereby waive my right to be present at the above proceedings in
24 this matter, as I am presently in the mainland United States and my counsel will appear on my
25 behalf at such hearings. I further state that I have been advised by my counsel of my right to a
26 speedy trial, and I now hereby waive my right to a speedy trial. I believe that a continuance of
27 trial, in order to present to the Court the necessary original documents regarding a plea, will serve
28 the ends of justice.

29 DATE: 01/22/07

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31 **MICHAEL MERRELL**
32 *Defendant*

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LUJAN AGUILAR & PEREZ LLP

DATE: _____

By:

DELIA LUJAN, ESQ.

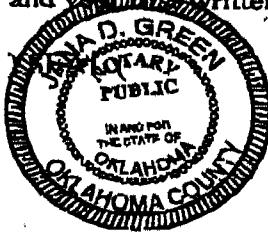
Attorneys for Defendant Michael Merrell

ACKNOWLEDGMENT

STATE OF Oklahoma)
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ss:
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BEFORE ME, a Notary Public, in and for the State of Oklahoma, on this
22nd day of January, 2007, personally appeared Michael Merrell, known to me to be the
defendant whose name is subscribed to the foregoing Waiver of Appearance and Speedy Trial,
and acknowledged to me that he executed the same as his free and voluntary act and deed for the
purposes therein set forth.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal the day
and year first written above.



Anna D. Green
Commission Expire: 2/15/2008
Commission # 00002699